

US Seen Blocking Proposed UN Convention on 'Forced Disappearances' *EUP20050325000115 Paris Le Monde in French 25 Mar 05 p 2*

[Report by Afsane Bassir Pour and Claire Trean: "A Draft Convention To Ban the Practice of Foreced Disappearances"]

[FBIS Translated Text]

Disappearances were a weapon of mass repression used by dictatorships in Argentina, Chile, Guatemala, and Brazil during the 1970s. Thousands of members of the opposition were spirited away by the authorities, who did not acknowledge detaining them; their bodies were never found; they remain forever "the disappeared."

Today, it is Russia that "holds the dubious world record for forced disappearances," notes Human Rights Watch in a recent report on Chechnya. The Latin American countries, Argentina and Chile in particular, have become the most fervent supporters of a draft international convention aimed at eliminating this practice. **After two years of negotiations begun on the initiative of France and Argentina, the text of this convention was to have been unveiled during the current session of the UN Human Rights Commission in Geneva, then submitted to the United Nations General Assembly in October and opened for signature before the end of the year.**

But, without openly taking a stance against this proposal, a few countries -- including the United States, Russia, China, and to a lesser extent Egypt and Angola -- continue to dispute certain points of the text, creating a de facto coalition that constitutes a hindrance to its adoption.

Between 80 and 100 countries are participating in these negotiations. The countries of Latin America are particularly active, as are Morocco and France, which chairs the working group in the person of Ambassador Bernard Kessedjian.

The "Right to Know"

The text requires each state that adopts the Convention to add forced disappearances to the list of "crimes" in its legislation, and to prosecute the presumed perpetrators, even if they are foreigners. It provides for guarantees as concerns detention and the "right to now" for the families of those being held. It stipulates the creation of a body composed of international experts authorized to conduct investigations in states subscribing to the Convention if it receives complaints. It states that no individual can be extradited to a country that practices disappearances.

The United States is in principle opposed to any new instrument of international law. Like Russia and China, it has protested several provisions of the text, claiming that they would undermine the fight against terrorism. For example, they do not want any reference in an international text to the "right to know" where a person is being detained or under what conditions. In fact, hat diplomats discreetly refer to as "ghost detentions" at Guantanamo could very well fall within the scope of the convention, and this is the Americans' main problem. When they became aware of this difficulty, the Europeans' support for the proposal weakened a bit, as they foresaw the clashes with the United States that a text that prohibits any extradition to a country practicing forced disappearances could cause them.

France has stuck to its guns, after a period of serious reservations when negotiations turned to the requirement to prosecute even foreigners within their borders.

UNCLASSIFIED

Supporters of the convention are asking Geneva to extend negotiations by a year. For non-governmental organizations, which have stressed the scale of this practice of forced disappearances around the world, this text is currently "the leading proposal in the area of international law."

[Description of Source: Paris Le Monde in French -- leading left-of-center daily]

Attachments:

(See attached file EUP20050325000115001.JPG) Trean.JPG

UNCLASSIFIED